

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

FILED
DISTRICT OFFICE
APR 15 2 04

.....
UNITED STATES OF AMERICA,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,
et al.,

Defendants.
.....

CIVIL ACTION
No. 85-0489-RGS

CONSERVATION LAW FOUNDATION OF
NEW ENGLAND, INC.,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,

Defendants.
.....

CIVIL ACTION
No. 83-1614-RGS

JOINT REPORT NO. 23 OF
THE COMMONWEALTH OF MASSACHUSETTS AND
THE MASSACHUSETTS WATER RESOURCES AUTHORITY
CONCERNING IMPLEMENTATION OF THE MEMORANDUM OF
UNDERSTANDING REGARDING BENEFICIAL USE OF BIOSOLIDS

Pursuant to Schedule Six, the Commonwealth of Massachusetts (the
"Commonwealth") and the Massachusetts Water Resources Authority (the
"Authority") jointly submit this semi-annual report on progress toward

implementing their Memorandum of Understanding (the "MOU") regarding the beneficial use of biosolids. The two parties signed the MOU on September 8, 1993 for the purpose of promoting the successful beneficial use of biosolids in Massachusetts. The organization of this report follows that of the MOU.

1. High Profile Sites.

Discussions have occurred with the Department of Conservation and Recreation ("DCR") at the State Sustainability Council Meetings to identify opportunities for use of the Authority's product. DCR has yet to place an order for *Bay State Fertilizer* for use in the 2005 season, however the DCR's 2004 Sustainability Plan does call for a reduction in the use of chemical fertilizer. The Authority is also investigating the potential for listing *Bay State Fertilizer* on the States' Comm-Pass web site as an "Environmentally Preferred Product" ("EPP"). Since the October 15, 2004 filing, various public entities including Burlington, Hingham, Leominster, Melrose Golf Course and South Hadley have ordered a total of 28 tons of *Bay State Fertilizer*. In addition, the Authority sent a mass mailing in early March to all their member communities encouraging spring orders and the response thus far has been encouraging. The Authority also plans to use *Bay State Fertilizer* on the grounds around the Deer Island Treatment Plant as it did in 2004.

2. Adoption of the term "Biosolids."

To date, the Commonwealth has not refiled the bill relating to resolutions that define the term "biosolids" and support the use of biosolids within Massachusetts.

3. Distribution Plan.

The distribution plan presented in the first report on implementation of the MOU has not been modified.

4. Emergency Distribution Plan Coordinators.

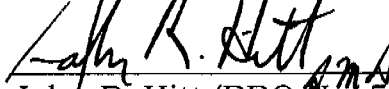
The coordinators for the Emergency Distribution Plan are Eric Friedman, Director of State Sustainability for the Executive Office of Environmental Affairs, for the Commonwealth and Daniel O'Brien, Manager, Capital Programs, Deer Island Treatment Plant, for the Authority.

5. Consistency with Part 503 of the Clean Water Act.

Massachusetts' regulations on the land application of biosolids are consistent with Part 503 regulations.

By their attorneys,

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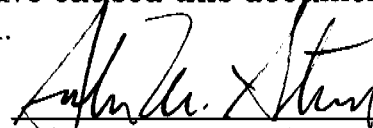
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Certificate of Service

I, John M. Stevens, attorney for the Massachusetts Water Resources Authority, do hereby certify that I have caused this document to be served by hand or mail to all counsel of record.



John M. Stevens (BBO No. 480140)

Dated: April 15, 2005

B3020948.1